

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**DEFENDANTS' UNCONTESTED MOTION TO
EXTEND DISPOSITIVE MOTION DEADLINE**

Defendants, **WILDCAT INVESTMENTS, LLC** and **B&B FOODS, L.L.C.**, by and through their attorneys, hereby move this Honorable Court to grant their Uncontested Motion To Extend Dispositive Motion Deadline and extend the deadline for filing dispositive motions from October 24, 2006 to November 30, 2006. In support of their Motion, Defendants state as follows:

1. Plaintiff's Complaint alleges that Defendants failed to pay him overtime in violation of the Fair Labor Standards Act.
2. On January 30, 2006, the Court entered a Uniform Scheduling Order in this matter.
3. Pursuant to this Order, all dispositive motions must be filed by October 24, 2006, and all fact discovery must be completed by January 8, 2007.
4. At this time, the parties have exchanged initial written discovery.

5. In addition to filing this action, Plaintiff has filed a complaint with the United States Department of Labor alleging that Defendants did not pay him overtime in violation of the Fair Labor Standards Act.

6. The United States Department of Labor is currently conducting an audit responsive to Plaintiff's complaint.

7. Because the Department of Labor's audit addresses the same allegations as those at issue in this action, the parties are awaiting the Department of Labor's audit findings before they complete discovery in this action.

8. Upon receipt of the Department's audit findings, the parties have agreed to renew settlement negotiations before undergoing the expense of filing dispositive motions.

9. However, the Department of Labor is not certain if it will complete its audit within the next month.

10. Therefore, Defendants request additional time to file dispositive motions.

11. Because the other deadlines in this case will remain unchanged, none of the parties will be prejudiced if the Court extends the dispositive motion deadline.

12. On August 15, 2006, Defendants' counsel contacted Plaintiff's counsel. Plaintiff's counsel indicated that he does not contest Defendants' Motion.

13. A Proposed Order granting Defendants' Uncontested Motion is attached hereto as Exhibit A.

WHEREFORE, Defendants respectfully request that this Court grant their Uncontested Motion To Extend Dispositive Motion Deadline and extend the deadline for filing dispositive motions from October 24, 2006, to November 30, 2006.

Respectfully submitted this 15th day of August, 2006.

**WILDCAT INVESTMENTS, LLC,
and B&B FOODS, L.L.C.**

By: /s/ Gregory Andrews
One of Defendants' Attorneys

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ATTORNEYS FOR DEFENDANTS

* *Admission to appear pro hac vice pending.*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on August 15, 2006, he electronically filed the foregoing **DEFENDANTS' UNCONTESTED MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jon C. Goldfarb (GOL015)
Maury S. Weiner (WEI021)
Kell Simon (SIM061)
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/s/ Gregory H. Andrews
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